

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

KIMBERLY H. WEAVER

PLAINTIFF

v.

CAUSE NO: 3:23-CV-267-SA-JMV

DAVID A. PEDEN

DEFENDANT

ORDER

On July 21, 2023, Kimberly Weaver initiated this civil action by filing her Complaint [1] against David Peden. On November 20, 2023, Magistrate Judge Jane Virden entered a *sua sponte* Order to Show Cause [2], which directed Weaver to show good cause by December 4, 2023, for failure to timely serve Peden pursuant to Federal Rule of Civil Procedure 4(m).

After Weaver failed to respond to the Order to Show Cause [2], on December 5, 2023, Magistrate Judge Virden entered a *sua sponte* Report and Recommendation [3]. The Report and Recommendation [3] specifically recommended that the case be dismissed for failure to prosecute. Weaver was provided fourteen days to respond or the case would be dismissed. Given that Weaver has failed to respond and the deadline to do so has passed, the Court finds that this case should be dismissed. The Report and Recommendation [3] is ADOPTED IN FULL, and Weaver's Complaint [1] is DISMISSED *without prejudice* for failure to prosecute. This CASE is CLOSED.

SO ORDERED, this the 20th day of December, 2023.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE